



COUNCIL CHAMBERS
17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Mark Grzan, Mayor Pro Tempore
Larry Carr, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Mark Grzan, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, JUNE 28, 2006

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL & REGULAR MEETING

6:00 P.M.

*A Special Meeting of the City Council and Redevelopment Agency
is Called at 6:00 P.M. for the Purpose of Conducting Closed
Sessions.*

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: Rossi v. City of Morgan Hill
Case Number: Santa Clara County Superior Court, Case No. 1-05-CV-046010
Attendees: City Manager; City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

6:50 P.M.

City Council Action

INTERVIEW:

Time Estimate

Page

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| 1. | 10 Minutes | <u>INTERVIEW TO FILL A VACANCY ON THE LIBRARY, CULTURE & ARTS COMMISSION</u>1 |
| | | <u>Recommended Action(s):</u> |
| | | 1. <u>Interview</u> Library, Culture & Arts Commission Applicant; and |
| | | 2. <u>Continue</u> Consideration of Mayor's Appointment to the Council's July 19, 2006 Council Meeting; |
| | | OR |
| | | 3. <u>Appoint</u> Candidate, If Deemed Appropriate. |

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Council Member Tate

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 2-11

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

2. **MAY 2006 FINANCE & INVESTMENT REPORT - CITY..... 9**
Recommended Action(s): Accept and File Report.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3.	<u>AGREEMENT WITH “PACIFIC GROUP” TO PREPARE INDUSTRIAL LANDS AND SOUTHEAST QUADRANT MARKET STUDY</u> Recommended Action(s): <u>Approve</u> and <u>Authorize</u> Execution of the Agreement; Subject to Review and Approval by the City Attorney.	37
4.	<u>AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS TESTING AND INSPECTION SERVICES ON AN AS-NEEDED BASIS</u> Recommended Action(s): 1. <u>Approve</u> a Professional Services Contract with Testing Engineers, Inc. (TEI) to Provide Public Works Testing and Inspection Services on an As-Needed Basis at a Not-to-Exceed Cost of \$75,000 for Fiscal Year 2006-2007; and 2. <u>Authorize</u> the City Manager to Execute a Contract, Subject to Review and Approval by the City Attorney.	57
5.	<u>AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES AND STORM WATER MANAGEMENT ASSISTANCE ON AN AS-NEEDED BASIS</u> Recommended Action(s): 1. <u>Approve</u> Fiscal Year 2006-2007 Professional Services Contract with Harris & Associates to Provide Contract Plan Checking Services and Storm Water Management Assistance on an As-Needed Basis at a Not-to-Exceed Fee of \$153,770; Subject to Adoption of the Fiscal Year 2006-2007 Budget; and 2. <u>Authorize</u> the City Manager to Execute the Contract, Subject to Review and Approval by the City Attorney.	65
6.	<u>DOWNTOWN TRAFFIC CALMING – ONE YEAR REVIEW AFTER JUNE 2005 INITIAL INSTALLATION</u> Recommended Action(s): <u>Information</u> Only, At This Time.	69
7.	<u>APPROVAL OF LABORATORY SERVICES FOR POTABLE WATER SAMPLING AND ANALYSIS</u> Recommended Action(s): 1. <u>Approve</u> Agreement for Laboratory Services for Potable Water Sampling and Analysis in the Amount of \$233,144 to Test America Analytical Testing Corporation; and 2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.	71
8.	<u>PUBLIC WORKS LANDSCAPE MAINTENANCE AGREEMENT FOR FISCAL YEAR 2006-2008</u> Recommended Action(s): 1. <u>Approve</u> Maintenance Agreement for Grounds and Landscape Maintenance Services for Fiscal Years 2006-2007 and 2007-2008 to New Image Landscape Company in the Amount of \$281,065; and 2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.	85
9.	<u>AWARD OF CONTRACT FOR 2006-2007 PAVEMENT RESURFACING PROJECT</u> Recommended Action(s): 1. <u>Award</u> Contract to O’Grady Paving, Inc. in the Amount of \$941,178 for Construction of the 2006-2007 Street Resurfacing and Reconstruction Project; Subject to Review and Approval by the City Attorney; and 2. <u>Authorize</u> a \$95,000 (10%) Construction Contingency.	99
10.	<u>APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF MORGAN HILL POLICE OFFICERS ASSOCIATION (POA)</u> Recommended Action(s): <u>Approve</u> One-Year Memorandum of Understanding with the City of Morgan Hill Police Officers Association.	103

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
11.	<u>PARK AND SPECIAL EVENT USER FEES</u>	105
	<u>Recommended Action(s): Set Public Hearing Date</u> of July 26, 2006 for the Proposed Park Rental Charges and Special Event User Fees.	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 12-14

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
12.	<u>MAY 2006 FINANCE & INVESTMENT REPORT - RDA</u>	107
	<u>Recommended Action(s): Accept</u> and <u>File</u> Report.	
13.	<u>CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT MARKETING PLAN FOR FISCAL YEAR 2006-2007</u>	119
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> the Fourth Quarter Report; and	
	2. <u>Authorize</u> the Executive Director to Prepare and Execute an Agreement, in an Amount Not to Exceed \$125,000, with the Morgan Hill Chamber of Commerce to Implement their Economic Development Partnership Scope of Services for Fiscal Year 2006-2007; Subject to Review and Approval by Agency Counsel.	
14.	<u>AMENDMENT OF ARCHITECTURAL CONSULTANT AGREEMENT FOR CENTENNIAL RECREATION CENTER (CRC)</u>	137
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> the Executive Director to Amend Noll & Tam's Consultant Agreement to Allow for a Term Extension Until December 1, 2006; and	
	2. <u>Authorize</u> the Executive Director to Amend Noll & Tam's Consultant Agreement in the Amount of \$94,714 for Additional Services.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 15

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
15.	<u>APPROVE JOINT SPECIAL & REGULAR CITY COUNCIL AND SPECIAL & REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 21, 2006</u>	139

City Council Action (continued)

CONSENT CALENDAR:

ITEMS 16-17

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
16.	<u>AWARD OF CONTRACT FOR 2006-2007 PAVEMENT CRACK SEALING PROJECT</u>	151	
	<u>Recommended Action(s):</u>		
	1. <u>Award</u> Contract to Graham Contractors, Inc. in the Amount of \$35,100 for the 2006-2007 Crack Sealing Project; and		
	2. <u>Authorize</u> a \$3,500 (10%) Construction Contingency.		
17.	<u>FOX HOLLOW/MURPHY SPRINGS LANDSCAPE ASSESSMENT DISTRICT SETTING OF ANNUAL PUBLIC HEARING</u>	155	
	<u>Recommended Action(s):</u>		
	1. <u>Adopt</u> Resolution Initiating Proceedings for the Levy of Assessments for Fiscal Year 2006-2007;		
	2. <u>Adopt</u> Resolution Providing Preliminary Approval of the Engineer's Report and the Proposed Assessment Levy;		
	3. <u>Adopt</u> Resolution Declaring the City's Intention to Levy the Assessments in the District, and to set the Public Hearing Date for July 26, 2006.		

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
18.	2 Minutes	<u>ZONING AMENDMENT, ZA-05-09/ DEVELOPMENT AGREEMENT, DA-05-08: CHURCH-ALCINI</u>	251
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Continue</u> to July 19, 2006.	
19.	15 Minutes	<u>ZONING AMENDMENT, ZA-05-05/ DEVELOPMENT AGREEMENT, DA-05-04: EAST MAIN-MARRAD</u>	253
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

PUBLIC HEARINGS:

	Time Estimate		Page
20.	5 Minutes	<u>ZONING AMENDMENT APPLICATION, ZA-05-30: CITY OF MORGAN HILL-COCHRANE PLAZA</u>	317
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
21.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-09: EAST DUNNE-DELCO</u>	323
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
22.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-05: BARRETT-ODISHOO</u>	335
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
23.	10 Minutes	<u>MORGAN HILL DOWNTOWN ASSOCIATION (MHDA) FUNDING REQUEST</u>	345
		<u>Recommended Action(s): Authorize</u> the Executive Director to Negotiate, Prepare, and Execute an Agreement with the MHDA in an amount of \$75,000, Subject to Agency General Counsel Approval, to Fund the Operations of the MHDA for Fiscal Year 2006-2007.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
24.	5 Minutes	<u>WATER PRESSURE REDUCTION INCENTIVE PROGRAM</u>	351
		<u>Recommended Action(s): Direct</u> Staff to Implement Water Pressure Reduction Incentive Program.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.